

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7807 of 1998

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Yogendra Sharma son of Raghunandan Sharma, resident of village –Mirzapur,
Bindwara Road, PS-Monghyr, District-Monghyr at present member of the Monghyr
Gun Manufacture's Co-operative Society Ltd. Monghyr..... .. Petitioner/s
Versus

1. The State of Bihar.
2. The Registrar, Co-operative Societies, Bihar, Patna
3. The Additional Registrar, Co-operative Societies, Bihar, Patna
4. The Monghyr Gun Manufacturer's Co-operative Society through its Special
Officer.

.... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr. PASHUPATI PD.SINHA

For the Respondent/s : M/s Sandip Singh and Santosh Kumar, Advs.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY

ORAL JUDGMENT

Date: 11-03-2015

The prayer has been made in the writ application, is
as follows:

*“A writ in the nature of certiorari quashing
the order dated 6.4.1998 (Annexure-5) passed by the
respondent no. 2 be issued.”*

By annexure-5, the Registrar Co-operative Societies,
Bihar, Patna in Dispute Case No. 100 of 1979 has held, is as follows:

*“In view of the above, on balance, I do not
find sufficient proof to deny multiple share holding by
the 211 old members in a manner as to subscribe to
all the authorities shares by 16.7.75; or conversely I
hold that 452 were not available on the appointed*



dated i.e. 18.7.75 for distribution to the applicants. In view of this finding the application of membership of the 452 applicants must necessarily awaited the enhancement of authorised share capital through the amendment of the bye-law of the society in accordance with law. Such amendment is the prerogative of the general Assembly which is directed to be convened within 2 months of the receipt of this order to consider the issue of enhancement of authorised share capital.

In view of the above findings case No. 170/92 is too disposed off as dismissed. Similarly, case No. 313/96 which is with regard to cancellation of the admission of 32/33 new members to the society is allowed and the membership of these 32/33 new members cancelled since at the relevant point of time no shares were available for distribution to them and in such condition new members could not be enrolled. The applications of these persons too will be considered afresh after General assembly of the Society comprising of the 211 old members decides to enhance the authorised share capital.”

As no one is challenging this finding before this Court, it is a very old matter and there is no one to inform this Court the latest position of society as on today. In such view of the matter, this petition is hereby dismissed.

(Shivaji Pandey, J)

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